

DENNIS L. KENNEDY
Nevada Bar No. 1462
JOSEPH A. LIEBMAN
Nevada Bar No. 10125
JAROD B. PENNIMAN
Nevada Bar No. 16299
BAILEY ♦ KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
JLiebman@BaileyKennedy.com
JPenniman@BaileyKennedy.com

Attorneys for Defendant
**BROOKS GROUP INSURANCE
AGENCY, LLC**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BASS UNDERWRITERS, INC.,

Plaintiff,

vs.

DAVID KONO, BROOKS GROUP
INSURANCE AGENCY, LLC,

Defendants.

Case No. 2:22-cv-00138-RFB-EJY

STIPULATION TO CONTINUE MEDIATION

Defendants Brooks Insurance Agency, LLC (“Brooks”), David Kono (“Kono”), and Plaintiff Bass Underwriters, Inc. (“Bass”), by and through their respective attorneys of record, stipulate and agree as follows:

1. On June 7, 2024, Plaintiff Bass and Defendant Brooks submitted a Joint Motion to Extend Discovery Deadlines [ECF No. 126].

2. On or around June 24, 2024, Magistrate Judge Youchah ordered the Parties to conduct a mediation on July 18, 2024, and for Bass and Brooks to file a status report regarding discovery on or before August 15, 2024.

3. On July 16, 2024, local counsel, Ropers Majeski, and national counsel, ArentFox Schiff, for Brooks filed a Motion to Withdraw as Counsel for Brooks and Continue Mediation [ECF

1 No. 130].

2 4. Also, on July 16, 2024, the Parties filed a Joint Stipulation to Continue Mediation
3 [ECF No. 132] to allow Brooks to find new counsel and allow sufficient time for Brooks's new
4 counsel to prepare for mediation.

5 5. On July 17, 2024, Magistrate Judge Youchah granted the Parties' Joint Stipulation to
6 Continue Mediation and ordered the Parties to conduct a mediation no later than September 20,
7 2024, and for the Parties to file a status report regarding discovery on or before September 30, 2024.

8 6. On July 19, 2024, the Court entered its Order [ECF No. 136] granting Brooks'
9 Unopposed Motion to Withdraw as Counsel.

10 7. Despite its diligent efforts, Brooks was unable to retain new counsel until September.

11 8. On September 9, 2024, newly retained counsel for Brooks, the law firm of
12 Bailey ♦ Kennedy, filed its Notice of Appearance [ECF No. 139].

13 9. Brooks is still in the process of coordinating the transfer of its file to
14 Bailey ♦ Kennedy, which—to Bailey Kennedy's understanding—contains hundreds of thousands of
15 documents.

16 10. In recognition of the substantial amount of time and effort that will be expended by
17 Bailey ♦ Kennedy in preparation of mediation, 11 days was not a feasible amount of time to allow
18 Brooks to prepare for mediation in order to conduct a meaningful mediation. Further, it was difficult
19 to engage a mediator to preside in such a short window of time. As such, the Parties began joint
20 discussion of dates for mediation that would take place after September 20, 2024.

21 11. To accommodate the schedules of all the Parties and allow Bailey ♦ Kennedy
22 adequate opportunity to get up to speed, an in-person mediation is scheduled to take place on
23 October 21, 2024, before Kristine Kuzemka, Esq.

24 12. This stipulation is submitted in good faith and not to delay the proceedings.

25 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among
26 the undersigned counsel of record for the parties herein that:

27 The in-person mediation, currently ordered to have taken place by September 20, 2024, is
28 continued, to be conducted on **October 21, 2024**; and

The time for the Parties to file a status report regarding discovery, currently scheduled for on or before September 30, 2024, is continued to on or before **October 31, 2024**.

DATED this 20th day of September, 2024.

DATED this 20th day of September, 2024.

COZEN O'CONNOR

BAILEY ♦ KENNEDY

By: /s/ Karl O. Riley
KARL O. RILEY

By: /s/ Jarod B. Penniman
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JAROD B. PENNIMAN

Attorneys for Plaintiff
BASS UNDERWRITERS, INC.

Attorneys for Defendant
BROOKS GROUP INSURANCE
AGENCY, LLC

DATED this 20th day of September, 2024.

**ZUMPARO PATRICIOS POPOK &
HELSTEN**

By: /s/ Amanda Brookhyser
AMANDA BROOKHYSER

Attorneys for Defendant
David Kono

IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

Date: September 23, 2024